

**SNOHOMISH COUNTY
Charter Review Commission**

Wednesday May 24, 2006
Public Meeting Room No. 1
First Floor, County Administration Building East
Everett, Washington

Commission Members Present: Gail Rauch, Mike Cooper, Ryan Larsen, David Simpson, Christine Malone, Mark Bond, Jim Kenny, Kristin Kelly, Rick Ortiz, Eric Earling, Wendy Valentine, Barbara Cothern Hawksford, Diane Symms, and Rene Radcliff Sinclair.

Commission Members Excused: Kim Halvorson.

Staff Present: Stephen Reinig, Rich Davis, and Allena Olson.

Others in Attendance: Grant Heppestall, Barbara Bush, and Evelyn Spencer, Ed Moats, Peter Camp, Greg Stephens.

Call to Order: Chair Cooper called the meeting to order at 6:30 p.m.

Approval of Minutes: ACTION: Commissioner Simpson made a motion that the minutes of May 10th and May 17th be approved. Commissioner Ortiz seconded the motion, and all Commission members present unanimously approved it.

Approval of Agenda: ACTION: Commissioner Hawksford made a motion to approve the agenda. Commissioner Earling seconded the motion, and all Commission members present unanimously approved it.

Approval of Vouchers: Commissioner Simpson noted that the total of the vouchers was incorrect, that a voucher for Commissioner Rauch was added, and the new total is \$160.10.

ACTION: Commissioner Simpson made a motion to approve the reimbursement vouchers of the Commissioners. Commissioner Earling seconded the motion, and all Commission members present unanimously approved it.

Public Comment: Evelyn Spencer, Official Elections Observer, spoke of her desire to make a change to Section 4.20 of the Charter. This section of the Charter deals with the topic of Independent Candidates running for election. Ms. Spencer urged the Commissioners to adopt the state language for this section of the Charter.

Commissioner Symms asked Ms. Spencer what impact adopting the state language would have.

Ms. Spencer replied that by adopting the state language of Section 4.20 minor party candidates would not have to be lumped into the “Independent” category.

Chair’s Comments: Chair Cooper thanked all the Commissioners that contributed to the newspaper articles that have run, and will be running. He said that the finished products were well done and informative.

Chair Cooper also mentioned the Editorial Board that he will be attending with Commissioner Earling, at Friday 8:30 a.m. and asked for any other interested Commissioners to let him know if they would like to attend.

Chair Cooper noted that Rich Davis was in attendance, and that his official contract had been signed.

Issue List: Janice Ellis, Snohomish County Prosecuting Attorney, presented information on issue number 56, the continuity of County Government. She stated that in state language the issue of a terrorist attack is addressed but that of a natural disaster or pandemic is not.

Commissioner Simpson asked if this was covered under the Department of Emergency Management.

Ms. Ellis stated this was an issue that rose to attention. There is a need to have four County Council members to vote on the continuity of County Government and without that the government would be frozen in a time of disaster.

Commissioner Valentine asked Ms. Ellis how other counties addressed this issue.

Ms. Ellis stated the Snohomish County is ahead of the curve at this point and no other counties have such language set.

ACTION: Commissioner Earling made a motion that the Commission suspend its rules as to proceed through the issue list without the need for motions or seconds, and that the Chair will proceed through the issue list without having to stop and ask if there is any discussion after each issue. Commissioner Sinclair seconded the motion, and all Commission members present unanimously approved it.

Commissioner Kelly asked if the voting would be by voice count only.

Chair Cooper stated that they would be voting by voice, but he would be watching closely and at any time a Commissioner could ask for a show of hands.

Commissioner Hawksford stated that it would be easier to vote by a show of hands first, and not worry about miscalculation.

ACTION: Commissioner Kelly made a motion that the voting should be by a show of hands. Commissioner Valentine seconded the motion, and the motion passed with nine votes.

Chair Cooper reminded everyone that the issues that passed today, with eight votes or more, simply means that those issues will have more information presented and be further discussed as to whether they will be put on the ballot.

Issue #1 – Elected vs. appointed Department Heads including the County Executive – failed 4 to 10.

#2 – Size of the County Council – passed 8 to 6.

#3 – Accountability of the Performance Auditor – passed 9 to 5.

#4 – Biennial Budgeting – passed 10 to 4.

#5 – Rules of procedure related to County Council/Transparency, public access to council action – failed with a tie vote of 7 to 7.

#6 – Term Limits – failed 1 to 13.

#7 – Emergency Preparedness – failed 4 to 10.

#8 – Cumbersome Initiative Process – failed 0 to 14.

#9 – Term of Charter Review Commission – failed 2 to 12.

#10 – Fiscal notes for all Proposed Ordinances – passed 8 to 6.

#11 – Spending lid for General Fund, including reserve accounts – failed 1 to 13.

#12 – Emergency Appropriations – failed 1 to 13.

#13 – Supplemental Appropriations – failed 3 to 11.

#14 – Contract Approval – failed 5 to 9.

#15 – Disability of Elected Officials – failed 5 to 9.

#16 – Intergovernmental Relations (Inter-local Agreements) – passed 9 to 5.

#17 – Clarify Initiative/Referendum timelines – passed 9 to 5.

- #18 – Qualifications for Elected Office – failed 3 to 11.
- #19 – Qualifications for exempt personnel working in the Legislative Branch – failed 1 to 13.
- #20 – Section vs. line item veto – passed 8 to 6.
- #21 – Update non-discrimination – passed 9 to 5.
- #22 – Codification of Ordinances – failed 2 to 12.
- #23 – Vacancies when elected officials are charged with a crime – failed 2 to 12.
- #24 – Minor party in place of Independent candidate – passed 14 to 0.
- #25 – Conflict of Interest – failed 3 to 11.
- #26 – Districting Committee Members shall not hold elected office for two years after their work is completed – failed 1 to 13.
- #27 – Charter Review members shall not hold elected office for five years after their work is completed – failed 1 to 13.
- #28 – Charter amendments by the public to require a 10% signature threshold – failed 0 to 14.
- #29 – County Council members elected County wide rather by district – failed 0 to 14.
- #30 – Elected department heads to have contract signing authority – passed 8 to 6.
- #31 – Campaign Finance/Ethics – passed 9 to 5.
- #32 – Executive Department of Emergency Preparedness – failed 6 to 8.
- #33 – Governance of Paine Field – failed 2 to 12.
- #34 – Public hearing on major amendments to have at least one hearing during weekday evenings – failed 6 to 8.
- #35 – All Hearing Examiner appeals, land use permit applications, SEPA and rezones shall go directly to the Superior Court and bypass county council as part of the process – failed with a tie vote of 7 to 7.
- #36 – County Ombudsman/Salary Commission – passed 10 to 4.

- #37 – Salary Commission for elected officials – passed 14 to 0.
- #38 – Office of public accountability related to Sheriff’s office – failed 3 to 11.
- #39 – Private property/Eminent domain – failed 5 to 9.
- #40 – Community based broad band provided by the County – failed 3 to 11.
- #41 – Promote diversity – failed 4 to 10.
- #42 – Abuses of large corporations – failed 1 to 13.
- #43 – Whistle blower provision in the Charter – failed 6 to 8.
- #44 – PDS division of Long Range Planning to be placed under County Council – failed 1 to 13.
- #45 – Grant writers for departments – failed with a tie vote of 7 to 7.
- #46 – Move corrections from Executive to Sheriff – failed 6 to 8.
- #47 – Move responsibility for Courthouse security Marshall’s to Sheriff – failed with a tie vote of 7 to 7.
- #48 – Housekeeping election issues – passed 11 to 3.
- #49 – Appeal Hearing Examiner rulings directly to Superior Court – failed 4 to 10.
- #50 – Create office of strategic planning – failed 1 to 13.
- #51 – Salary Commission that pegs salaries of department heads to a % of County Executive – failed 0 to 14.
- #52 – Assessor, Auditor, and Sheriff should be elected partisan positions – failed 0 to 14.
- #53 – Disclosure to signature gatherers as to whether they are paid or volunteer – passed 8 to 6.
- #54 – Require fiscal note on any Charter ballot measure submitted to voters – failed with tie vote of 7 to 7.
- #55 – Change the title Emergency appropriations to Additional appropriations – failed 1 to 13.
- #56 – Continuity of County Government – passed 13 to 1.

Draft Calendar: Chair Cooper stated that the topics to be covered at the next meeting, on May 31st, were to be the size of the County Council, biennial budgeting, salary commission, and line vs. sectional veto.

Chair Cooper said he thought the Commission should follow the example set by the 1996 Commission where they left the July meetings to be scheduled as needed for the final decisions and language with a formal vote. He also noted that as of now the Commission had meeting time set-aside for all Wednesdays in June and July excluding July 5th.

Steve stated that he was waiting to hear from County Auditor Bob Terwilliger on the drop-dead date to have the final language and such to the County Council.

Chair Cooper stated the list would be gone through and a calendar of the issues would be brought next week. The timeline of the issues would depend on the amount of time needed for researching the topic. Chair Cooper also noted that all further meetings would continue to have time set aside for public comment as well as comments made by Commissioners as to why they are in favor of an issue.

Commissioner Bond asked whether the issues that failed with tie votes would stay on the failed list because Commissioner Halvorson was not present at this meeting.

Chair Cooper said that he had just been talking about that and believes that Commissioner Halvorson is in fact in favor of a few of the issues that failed by tie votes.

Commissioner Bond asked if time allows would there be an opportunity to speak on those topics.

Chair Cooper said that any topic will be allowed for re-discussion if it passed a motion stating so.

Commissioner Earling asked if it was the intent that the Commission would vote on whether or not a topic would be put on the ballot after each meeting that the topic was discussed during.

Chair Cooper stated that was the way things had gone in 1996, and that things may progress more quickly if this is the manner in which things occurred.

Commissioner Earling stated if they were expected to vote on whether a topic would go to the ballot he would request that the research information be given to them by the Friday previous to the meeting at the latest.

Steve said the information would be sent by the Friday's before the meeting each issue would be discussed.

Commissioner Kelly asked what would happen if too many issues were voted to move forward to the ballot.

Chair Cooper stated the issues would be voted on at least two more times, and that things can always be reconsidered.

Commissioner Earling stated Commissioner Kelly had a valid point and he mentioned that issues may also be bundled before they are put on the ballot.

Commissioner Kelly stated she is hoping that a few of the smaller issues can be bundled.

Commissioner Rauch asked if there was a motion needed to be able to take action on the meetings previously not allowed to have action taken during.

Chair Cooper stated there was a need for a motion to allow action during those meetings and to leave the 5th of July open.

Commissioner Ortiz made a motion that meetings be held and action allowed every Wednesday from this date until August 2nd, excluding Wednesday July 5th.

Commissioner Sinclair seconded the motion, and all Commission members present unanimously approved it.

Steve stated that the meetings of June 21st and July 19th would not be held in the Public meeting room no. 1. Instead the meetings will be held in a conference room on the sixth floor of the Administrative Building East. He said that he would post the details on the web the next day.

Commissioner Symms asked the procedure of bringing an issue for debate that was not on the issue list.

Chair Cooper stated that information on the topic can be sent to the Commissioners at any time but that they must be careful not to deliberate electronically and wait until the next meeting to bring the topic up for discussion. He also stated that if there was to be discussion on a topic not already on the issue list that the specific language wished to vote on be already prepared, and that it not be left open for simple discussion.

Commissioner Rauch asked if there would be time each week for additional Commissioner comments and issues.

Chair Cooper replied there would be time set aside for additional comments as well as business such as Chair's Comments and the Administrative Report.

Administrative Report: Steve stated all the Commissioners had been given a copy of their oaths in their packet for this meeting.

Steve spoke on Survey Monkey, saying that the current survey was now closed and the new one that shall be posted with the remaining 16 issues will be up as soon as possible.

Chair Cooper asked if there were any additional questions on the Prosecuting Attorney, Ms. Ellis, issue of the Continuity of County Government. He said that more information on this topic will hopefully be available in the near future.

Commissioner Symms stated she was unclear about the specific action Ms. Ellis was requesting and wished to have more background on what they were being asked to do.

Commissioner Bond said he thought Ms. Ellis had said that they could simply add language to have both of the issues covered.

Chair Cooper stated that he thought the way the language was passed covered only the possibility of a terrorist attack, and that Ms. Ellis wished to have language including possibility of a natural disaster and/or pandemic added.

Chair Cooper then recommended a recess before the Commission revisits the topic of issues to reconsider.

Commissioner Earling made a motion for a three minute recess. Commissioner Symms seconded the motion, and all Commission members present unanimously approved it.

3 Minute Recess

Call to order: Chair Cooper called the meeting back to order at 8:07 p.m.

Commissioner Kelly asked if an issue is revisited and fails again can it be brought up for a vote a third time.

Chair Cooper stated an issue may be brought up as many times as possible, but that there is a slim chance it will pass after failing twice previously.

ACTION: Commissioner Kelly made a motion to revote on issue # 35 dealing with the Hearing examiner appeals etc. going directly to Superior Court and bypassing the County Council as part of the process. Commissioner Rauch seconded the motion.

Commissioner Kelly spoke of her support for this issue. She stated that a paper had been sent that included comments by Paul Roberts and Dwayne Bowman, both current and former City Directors of Planning and Development, on this topic. She stated in the packet they have very good arguments and they detail why it is hard to have a political person making judicial rule.

Commissioner Earling asked Commissioner Kelly to clarify what the current options are.

Commissioner Kelly stated that the process starts with the Hearing Examiner and then the parties can appeal, and the appeals must be heard in front of the Council.

Commissioner Ortiz asked Commissioner Kelly what she thought the voters felt about this process.

Commissioner Kelly stated she felt that if information about this issue was worded well and presented to the public they would see that it would be in their best interest.

Commissioner Bond stated that he would maintain his negative vote, reason being he does not feel that it is better for the public to take away their most affordable and timely option.

Commissioner Earling asked for clarification on the wording of what Commissioner Kelly was proposing. Is she saying she wishes to give the option of going straight to Superior Court, or that all appeals would go straight to Superior Court.

Chair Cooper stated that by putting the issue back on the table they could broach the matter of language clarification.

Commissioner Larsen stated that he had originally voted to move the issue forward, but at this time he would chose to change his vote to a negative one. He stated that he feels this is not an appropriate issue for the Charter.

ACTION: A revote was taken and issue #35 – failed 6 to 8.

ACTION: Commissioner Bond made a motion to reconsider issue #47 – moving courthouse security marshals to Sheriff. Commissioner Sinclair seconded the motion.

Commissioner Bond urged that this issue be given more consideration, and that he would like to gather more information to see whether it is a topic that should be decided by the Charter.

Commissioner Earling stated he would be in favor of further consideration on this issue. That he is unsure of the logistics of having the Sheriff be responsible, but not in control of the Marshals.

Commissioner Symms stated that she was also in favor of giving this topic more consideration. She felt that it would be worthwhile to consider giving the Sheriff's department more control over a department they are responsible for.

Chair Cooper noted that with the language used it is unclear what Courthouse security is being addressed. He stated that while the Marshals in the courthouse work for the Department of Corrections, that there are also the Security guards who are from a private vendor.

Commissioner Kelly then asked if issue #47 is only referencing the Marshals.

Chair Cooper stated it is unclear and that will be brought up when the issue is revisited and information gathered.

Commissioner Bond stated it was his intent to address both groups and bring more information including whether or not there would be a fiscal savings in moving the responsibility to the Sheriff's Office.

Commissioner Ortiz stated that he was in favor of looking at more information on this issue.

ACTION: A revote was taken and issue #47 – passed 10 to 4.

Chair Cooper said if there were no other motions that with the consent of the Commission he would open the floor again for any other public comment.

Greg Stevens, of Maltby, spoke of his gratification that issue #47 was back on the table. He stated the having a number of agencies responsible for the same grounds is a recipe for disaster. He stated that in using a dispatch service that the response time is hurt severely, and that having all the Courthouse security reside under the Sheriff if the most sufficient way to do things. On the topic of the language for the Continuity of County Government in dealing with a pandemic, Mr. Stevens stated he feels that action should be taken quickly.

On the topic of increasing the size of the County Council, Mr. Stevens said that if the size of the Council were to be increased he would like to see the additional two members be at large members, to have them voted in by and represent people county wide.

Commissioner Kenny asked if Mr. Stevens envisioned the additional two Council members be county wide forever or only until the redistricting occurred.

Mr. Stevens stated that he envisioned this as a permanent change, and that there would be more balanced representation if it were to stay this way.

Commissioner Sinclair asked Mr. Stevens, just to clarify, that it was his intent to have five of the Snohomish County Council members be by district and the additional two be county wide. Mr. Stevens replied that was indeed his intention.

Adjournment: The meeting was adjourned at 8:20 p.m.

Minutes submitted by:

Allena Olson
Recorder